

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KLEIMAR, N.V.,

Plaintiff,

against

DALIAN DONGZHAN GROUP CO., LTD.,
BENXI BEIYING IRON AND STEEL GROUP
IMPORT AND EXPORT CORP. LTD.,
BEIGANG HONG KONG LIMITED, and
BEITAI IRON & STEEL GROUP CO., LTD.,

Defendants.
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USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: Jan 5, 2017

ECF CASE

16 CV 2486 (AJN) (DCF)

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: DEC 21 2016

**ORDER DIRECTING CLERK TO ISSUE PROCESS OF MARITIME ATTACHMENT
AND GARNISHMENT AND APPOINTING PROCESS SERVER**

WHEREAS, on December 8, 2016, Plaintiff, KLEIMAR, N.V., filed a Verified Complaint herein for damages amounting to \$12,591,782.71, inclusive of interest, costs and reasonable attorneys' fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal, or other designated process server, attach any and all of the Defendants' property within the District of this Court; and

WHEREAS, the Court has reviewed the Verified Complaint and the Supporting Affidavit, and the conditions of Supplemental Admiralty Rule B appearing to exist:

NOW, upon motion of the Plaintiff, it is hereby:

ORDERED, that pursuant to Rule B of the Supplemental Rules for Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal

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Rules of Civil Procedure, the Clerk of the Court shall issue Process of Maritime Attachment and Garnishment against all tangible or intangible property, credits, letters of credit, bills of lading, effects, debts and monies, ~~charter hire and sub-charter hire~~ freights, sub-freights, charter hire, sub-charter hire or any other funds or property up to the amount of \$12,591,782.71 belonging to, due or owing to, from or for the benefit of the Defendants, including but not limited to such property as may be held, received or owed in Defendants' name(s) or as may be held, received or transferred for its benefit within the possession, custody or control of banking/financial institutions and/or other institutions or such other garnishees to be named on whom a copy of the Process of Maritime Attachment and Garnishment may be served; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

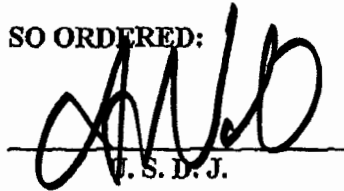
ORDERED that following initial service by the U.S. Marshal, or other designated process server, upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee; and it is further

ORDERED that service on any garnishee as described above is deemed to be effective and continuous service throughout the remainder of the day upon which service is made commencing from the time of such service; and such service is further deemed to be effective through the end of the next business day, provided that another service is made that day; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means.

Dated: December 21, 2016

SO ORDERED:


U. S. D. J.

Nothing in this Order purports to permit attachment of any property in contravention of the Court of Appeals' decision in *Shipping Corp. of India Ltd. v. Jaldhi Overseas Pte Ltd.*, 585 F.3d 58 (2d Cir. 2009).

ATV
This Order Shall be filed under SEAL temporarily. Unless the Court receives an objection in writing by December 23, 2016, this Order will be filed on the public docket.